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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,461	01/21/2000	Phong Nguyen	004184.P1004	5879
8933	7590	12/30/2003	EXAMINER	
DUANE MORRIS, LLP			MERLINO, AMANDA H	
ATTN: WILLIAM H. MURRAY			ART UNIT	PAPER NUMBER
ONE LIBERTY PLACE			2877	
1650 MARKET STREET				
PHILADELPHIA, PA 19103-7396				

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/489,461	NGUYEN ET AL.
	Examiner Amanda H Merlino	Art Unit 2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 September 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-20 is/are allowed.
- 6) Claim(s) 21-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 103***

Claims 21-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Halter (6,323,954).

Halter teach of a method comprising the steps of projecting a light unto a position corresponding to a dimensional tolerance limit (col 2; lines 18-31)of an object, detecting the light at the position and monitoring a change in the detected light beam at the position of the object .

Halter et al lacks the teaching of the object being a pellicle.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to utilize the method of the present invention to measuring dimensions of a pellicle since all the method steps are taught by Halter. Furthermore it specifically teaches measurement of very thin objects (col 1 ;lines 9-20).

***Allowable Subject Matter***

Claims 1-20 allowed.

As to claims 1-9, the prior of record, taken alone or in combination, fails to disclose or render obvious a method for measuring a dimension of a pellicle, the method comprising the steps of projecting a light beam from a first side of the pellicle and at a first plane above a first surface of the pellicle, projecting the light beam from the first side of the pellicle and at a second plane corresponding to a plane of the pellicle and projecting the light beam from the first side of the pellicle and at a third

plane below a second surface of the pellicle, in combination with the rest of the limitations of claim 1.

As to claims 10-14, the prior of record, taken alone or in combination, fails to disclose or render obvious an apparatus for measuring a dimension of a photolithography element comprising a light source for projecting a light beam from a first side of the pellicle and at a first plane above a first surface of the pellicle, projecting the light beam from the first side of the pellicle and at a second plane corresponding to a plane of the pellicle and projecting the light beam from the first side of the pellicle and at a third plane below a second surface of the pellicle, in combination with the rest of the limitations of claim 10.

As to claims 15-20, the prior of record, taken alone or in combination, fails to disclose or render obvious a photolithography system comprising a light source for projecting a light beam from a first side of a pellicle and at a first plane above a first surface of the pellicle, projecting the light beam from the first side of the pellicle and at a second plane corresponding to a plane of the pellicle and projecting the light beam from the first side of the pellicle and at a third plane below a second surface of the pellicle, in combination with the rest of the limitations of claim 20.

#### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

*Papers related to the application may be submitted to Group 2800 by Fax transmission. Papers should be faxed to Group 2800 via the PTO Fax Machine located in Crystal Plaza 4. The form of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Machine number is:*

**703-872-9306**

If the applicant wishes to send a Fax dealing with a Proposed Amendment for discussion for a phone interview then the fax should:

- 1) Contain either the statement "DRAFT" or "PROPOSED AMENDMENT" on the Fax Cover Sheet; and
- 2) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Examiner Amanda H. Merlino* whose telephone number is (703) 305-3488. The examiner can be reached on Mondays and Thursdays only.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-0956.

Amanda H. Merlino *ahm*  
Patent Examiner  
Art Unit 2877  
September 11, 2003/ahm  
Dec 15

*Frank G. Font*  
FRANK G. FONT  
SUPERVISORY PATENT  
EXAMINER